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AMENDMENTS TO LB 935

1 1. Strike original sections 9 and 10 and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 10-703.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 10-703.01. In all special elections called for voting on
6 the question of issuing bonds of the school district, the county
7 clerk or election commissioner or, if the school district lies in
8 more than one county, the county clerk or election commissioner in
9 the county having the greatest number of electors entitled to vote
10 on the question shall designate the polling places and appoint the
11 election officials, who need not be the regular election officials,
12 and otherwise conduct the election as provided under the Election
13 Act except as otherwise specifically provided in this section. No
14 special election shall be held under this section within thirty
15 days prior to the statewide primary or general election or sixty
16 days after the statewide primary or general election. The school
17 district shall designate the form of ballot and reimburse the
18 county clerk or election official for the expenses of conducting
19 the election as provided in sections 32-1201 to 32-1208. The
20 school district officers shall give notice of the election at least
21 twenty days prior to the election and cause the sample ballot to be
22 published in a newspaper of general circulation in the school
23 district one time not more than ten days nor less than three days
24 prior to the election, and no notice of the election shall be

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1 required to be given by the county clerk or election commissioner.
2 The notice of election shall state where absentee ballots may be
3 obtained.

4 The ballots shall be counted by the county clerk or
5 election commissioner conducting the election and two disinterested
6 persons appointed by him or her. When the polls are closed, the
7 receiving board shall deliver the ballots to the county clerk or
8 election commissioner conducting the election who, with the two
9 disinterested persons appointed by him or her, shall proceed to
10 count the ballots.

11 Absentee ballots shall be furnished to the county clerk
12 or election commissioner and ready for distribution by the county
13 clerk or election commissioner conducting the election not less
14 than fifteen days prior to the election.

15 When a school district lies in more than one county, the
16 county clerk or election commissioner in any other county
17 containing part of such school district shall, upon request,
18 certify its registration books for those precincts in which the
19 school district is located to the county clerk or election
20 commissioner conducting the election and shall immediately forward
21 all requests for absentee ballots to the county clerk or election
22 commissioner charged with the issuing of such ballots. Not less
23 than five days prior to the election, the school district officers
24 shall certify to the county clerk or election commissioner
25 conducting the election a list of all registered voters of the
26 school district in any other county or counties qualified to vote
27 on the bond issue.

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1 Absentee ballots cast at the election shall be counted by
2 the same board as counted other ballots at the election. When all
3 the ballots have been counted, the returns of such election shall
4 be turned over to the school board or board of education of the
5 district in which the election was held for the purpose of making a
6 canvass thereof.

7 The two disinterested persons appointed on the counting
8 board shall receive ~~four dollars and twenty-five cents per hour~~
9 wages at the minimum rate set in section 48-1203 for each hour of
10 service rendered.

11 Sec. 2. Section 29-1401, Revised Statutes Supplement,
12 2000, is amended to read:

13 29-1401. (1) The district courts are hereby vested with
14 power to call grand juries.

15 (2) A grand jury may be called and summoned in the manner
16 provided by law on such day of a regular term of the district court
17 in each year in each county of the state as the district court may
18 direct and at such other times and upon such notice as the district
19 court may deem necessary.

20 (3) District courts shall call a grand jury in each case
21 that a petition meets the requirements of ~~sections 29-1401.01 and~~
22 29-1401.02 section 32-628, includes a recital as to the reason for
23 requesting the convening of the grand jury and a specific reference
24 to the statute or statutes which are alleged to have been violated,
25 and is signed not more than ninety days prior to the date of filing
26 under section 29-1401.02 by not less than ten percent of the
27 registered voters of the county who cast votes for the office of

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1 Governor in such county at the most recent general election held
2 for such office.

3 (4) District courts shall call a grand jury in each case
4 upon certification by the county coroner or coroner's physician
5 that a person has died while being apprehended by or while in the
6 custody of a law enforcement officer or detention personnel. In
7 each case subject to this subsection:

8 (a) Law enforcement personnel from the jurisdiction in
9 which the death occurred shall immediately secure the scene,
10 preserve all evidence, and investigate the matter as in any other
11 homicide. The case shall be treated as an open, ongoing matter
12 until all evidence, reports, and other relevant material which has
13 been assembled are transferred to the special prosecutor appointed
14 pursuant to subdivision (b) of this subsection;

15 (b) Except as provided in subdivision (d) of this
16 subsection, as soon as practicable, the court shall appoint a
17 special prosecutor who has had at least five years experience in
18 criminal litigation, including felony litigation. The special
19 prosecutor shall select a team of three peace officers, trained to
20 investigate homicides, from jurisdictions outside the jurisdiction
21 where the death occurred. The team shall examine all evidence
22 concerning the cause of death and present the findings of its
23 investigation to the special prosecutor;

24 (c) A grand jury shall be impaneled within thirty days
25 after the certification by the county coroner or coroner's
26 physician, unless the court extends such time period upon the
27 showing of a compelling reason; and

1 (d) A special prosecutor need not be appointed in those
2 cases in which the death has been certified by a licensed
3 practicing physician to be from natural causes and that finding is
4 presented to a grand jury.

5 Sec. 3. Section 29-1401.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 29-1401.02. The procedure for calling a grand jury by
8 petition of the registered voters of the county shall be as
9 follows:

10 (1) The petitions shall be filed in the office of the
11 clerk of the district court, shall ~~be in the form provided by law~~
12 comply with the requirements in section 29-1401, and be filed
13 without a filing fee;

14 (2) Upon receipt of such petitions, the clerk of the
15 district court shall forthwith certify the petitions so filed to
16 the county clerk or election commissioner in the county ~~wherein~~ in
17 which the signers of such petitions are registered to vote and
18 shall request that the signatures on such petitions be validated
19 according to the list of registered voters;

20 (3) The county clerk or election commissioner shall,
21 within thirty days ~~from~~ after receipt of such petitions, determine
22 the number of valid signatures appearing on such petitions and
23 certify ~~his~~ the findings along with the total vote cast for
24 Governor at the most recent election for such office in such county
25 to the presiding judge of the district court in which ~~such~~ the
26 petitions were filed;

27 (4) The presiding judge of the district court shall, upon

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1 receipt of the certificate from the county clerk or election
2 commissioner, examine the petitions and within fifteen days ~~of~~
3 after the receipt thereof shall determine: (a) Whether the
4 requisite number of valid signatures appear on such petitions; and
5 (b) whether the formal requirements as to the form of the petition
6 have been satisfied;

7 (5) The determination of sufficiency of the petitions by
8 the presiding judge shall be based solely upon the certification of
9 valid signatures by the county clerk or election commissioner and
10 upon the presiding judge's personal examination of the form of the
11 petitions. No additional evidence shall be considered by the
12 presiding judge in making ~~his~~ the determination of sufficiency and
13 under no circumstances shall any petitioner be required to testify
14 or otherwise present evidence relating to allegations contained in
15 ~~such~~ the petitions;

16 (6) Upon a determination that the requisite number of
17 valid signatures appeared on ~~such~~ the petitions and that the
18 petitions otherwise were sufficient as to form, ~~it shall be~~
19 ~~mandatory for~~ the presiding judge ~~to~~ shall call a grand jury
20 forthwith;

21 (7) ~~In the event that~~ If the presiding judge of the
22 district court fails to make a determination as to the sufficiency
23 of ~~such~~ the petitions and fails to call a grand jury within fifteen
24 days ~~from~~ after the date of delivery of ~~such~~ the petitions to the
25 presiding judge, the clerk of the district court shall immediately
26 call a grand jury pursuant to law, notwithstanding the fact that
27 the presiding judge of the district court failed to determine

1 sufficiency of the petitions and did not call the grand jury; and

2 (8) ~~In the event that~~ If the presiding judge or clerk of
3 the district court fails to call a grand jury, the petitioners may
4 file an immediate request with the Chief Justice of the Supreme
5 Court, or in his or her absence, with any judge thereof, and
6 request that ~~such the~~ the Chief Justice or judge review the petitions
7 and certifications and call a grand jury. If the Chief Justice or
8 judge of the Supreme Court determines sufficiency of the petitions
9 according to law, ~~an order shall be issued by~~ the Chief Justice or
10 judge ~~to~~ shall order the clerk of the district court to call a
11 grand jury.

12 Sec. 4. Section 32-303, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-303. In addition to his or her office, the election
15 commissioner or county clerk ~~shall~~ may provide a place of
16 registration in each incorporated city or village in the county and
17 in each legislative district in cities of the metropolitan class.
18 The place of registration ~~shall~~ may be open not less than one day
19 within the thirty days prior to the statewide primary election and
20 the statewide general election and at such times and during such
21 hours as the election commissioner or county clerk may direct. ~~In~~
22 ~~lieu of this requirement, an~~ An election commissioner or county
23 clerk may establish a permanent place of registration in each
24 incorporated city or village in the county or each legislative
25 district in a city of the metropolitan class by training registered
26 voters to act as deputy registrars. A private residence shall not
27 be used as a permanent place of registration except in incorporated

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1 villages.

2 Sec. 6. Section 32-802, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 32-802. The notice of election for any election shall
5 state the date on which the election is to be held and the hours
6 the polls will be open and list all offices, candidates, and issues
7 that will appear on the ballots. The notice of election shall be
8 printed in English and in any other language required pursuant to
9 the Voting Rights Act Language Assistance Amendments of 1992. In
10 the case of a primary election, the notice of election shall list
11 all offices and candidates that are being forwarded to the general
12 election. The notice of election shall only state that amendments
13 or referendums will be voted upon and that the Secretary of State
14 will publish a true copy of the title and text of any amendments or
15 referendums once each week for three consecutive weeks preceding
16 the election. Such notice of election shall appear in at least one
17 newspaper designated by the election commissioner, county clerk,
18 city council, or village board no later than forty days prior to
19 the election. The election commissioner or county clerk shall, not
20 later than forty days prior to the election, (1) post in his or her
21 office the same notice of election published in the newspaper ~~not~~
22 ~~later than forty days prior to the election and shall~~ and (2)
23 provide a copy of the notice to all candidates and the political
24 subdivisions appearing on the ballot. The election commissioner or
25 county clerk shall correct the ballot to reflect any corrections
26 received within ten days after mailing the notice as provided in
27 section 32-819. The notice of election shall be posted in lieu of

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1 sample ballots until such time as sample ballots are printed. If
2 joint elections are held in conjunction with the statewide primary
3 or general election by a county, city, or village, only one notice
4 of election need be published and signed by the election
5 commissioner or county clerk.

6 Sec. 7. Section 32-819, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-819. (1) Whenever it appears by affidavit that an
9 error or omission has occurred in the name or description of a
10 candidate nominated for office or in the printing of the sample or
11 official ballots, the county or district judge sitting at chambers
12 may by order, upon the application of any registered voter, require
13 the election commissioner, county clerk, or city or village clerk
14 to correct such error or to show cause why such error or omission
15 should not be corrected.

16 (2) The election commissioner, county clerk, or city or
17 village clerk shall, ~~upon his or her own motion,~~ correct without
18 delay any patent error in the ballots which he or she may discover
19 or which is brought to his or her attention and which can be
20 corrected without interfering with the timely distribution of the
21 ballots.

22 (3) The election commissioner, county clerk, or city or
23 village clerk shall not be required to correct any error on the
24 ballot after the thirty-fifth day prior to the election except as
25 otherwise ordered by the court.

26 Sec. 10. Section 32-942, Reissue Revised Statutes of
27 Nebraska, is amended to read:

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1 32-942. Any registered voter of this state who is about
2 to be absent from the county of his or her residence on the day of
3 any election but who is present in the county after absentee
4 ballots are available may appear in person before the election
5 commissioner or county clerk and obtain his or her ballot. The
6 ~~ballot shall be voted~~ registered voter shall vote in the office of
7 the election commissioner or county clerk or ~~returned to him or her~~
8 shall return the ballot to the office during regular business
9 hours.

10 Sec. 18. Original sections 10-703.01, 29-1401.02,
11 32-303, 32-552, 32-802, 32-819, 32-933, 32-941, 32-942, 32-943,
12 32-946, 32-950, 32-954, 32-956, and 79-552, Reissue Revised
13 Statutes of Nebraska, and sections 29-1401 and 32-1027, Revised
14 Statutes Supplement, 2000, are repealed.

15 Sec. 19. The following sections are outright repealed:
16 Sections 29-1401.01 and 32-1029, Reissue Revised Statutes of
17 Nebraska.".

18 2. Renumber the remaining sections accordingly.